

IOWA DISTRICT COURT, FIFTH JUDICIAL DISTRICT

**IN RE REDUCTION IN WORKFORCE,
COURT CLOSURE DAYS AND POLK
COUNTY JAIL COURT**

ADMINISTRATIVE ORDER 2009-52

Due to substantial reductions to the Fiscal year 2010 operating budget of the Judicial Branch, the workforce of the court has been substantially reduced.

On June 25, 2009, the Iowa Supreme Court entered a Supervisory Order that provides, in part: "No judicial branch employee who is paid an hourly wage shall be allowed to work more than his or her allocated hours in any given pay period unless authorized in advance by the district court administrator for purposes of working at a trial or for allowing employees of the clerk of court offices to assist an individual who comes to the office near the end of business hours seeking a protective order under chapter 236 or an involuntary commitment under chapters 125 and 229."

On November 10, 2009 and November 12, 2009, the Iowa Supreme Court entered Supervisory Orders imposing ten days of court closure and staff reductions that substantially impair the ability of the court to provide services and access to the public.

A. No Overtime.

There shall be no paid overtime or compensatory time (time and one-half) for any hourly wage employee of the court. All time in excess of the work hours of the court shall be flex time within the same pay period as provided in the Personnel Policies of the Iowa Judicial Branch. Pursuant to the Supreme Court's Supervisory Orders, all clerks' offices, JCS and court administrative staff in hourly wage positions shall strictly observe the official office hours as set out in the Iowa Judicial Branch Personnel Policies. Except in the clerk of court offices in seven counties of Election District 5B as set forth in Administrative Order 2009-51, such hours are 8:00 a.m. to 4:30 p.m., 40 hours per work week except during weeks with designated court closure days, which are then 32 hours per work week. A full and complete one hour lunch break is

required. The work hours in the 5B counties are reduced commensurate with staffing levels and funding.

All judges and magistrates of the Fifth Judicial District, as well as clerks of court, the DCA and other supervisory staff are responsible for ensuring staff are given sufficient time to enjoy the complete one hour lunch break during the work day. Likewise, judicial officers and supervisory staff are responsible to ensure all hourly wage staff end work by 4:30 p.m. and are not kept over in violation of the Supreme Court's June 25, 2009 Supervisory Order. The only exceptions to these work hour parameters are for purposes of a jury trial or allowing employees of the clerk of court offices to assist an individual who comes to the office near the end of business hours seeking a DA protective order, or a Mental Health or Substance Abuse involuntary commitment order if approved in advance by the appropriate Clerk of Court or the District Court Administrator. Approval should be documented through an E-mail communication and attached to the appropriate time sheet. Generally this discretion with respect to jury trials will only be utilized for purposes of juror lunch accommodations.

B. Polk County Jail Court.

Due to the number of inmates, the Polk County Jail Court is dependent on court staff for its operation. The reduction in force, court closure days and no overtime rule substantially impacts the ability of the court to fully staff and operate the Polk County Jail Court on weekends and holidays. Employees of the Polk County Clerk of Court office and Court Attendant/Judicial Assistant assigned to the Polk County Jail Court shall not work overtime and shall flex their time during the same pay period. Employees assigned to Jail Court on weekends and/or holidays shall work four (4) hour shifts as assigned by their supervisor.


Polk County Jail Court shall be closed and shall not operate on the following days of court closure as ordered by the November 10, 2009 Supervisory Order of the Iowa Supreme Court: Friday, December 4, 2009; Thursday, December 24, 2009; Thursday, December 31, 2009; Friday, January 15, 2010; Monday, February 15, 2010; Friday, March 12, 2010; Friday, March 26, 2010; Friday, April 2, 2010; Friday, May 28, 2010; and Friday, June 18, 2010.

Budget cuts, workforce reductions and furloughs result in a necessary and excused

delay of initial appearances under Iowa Court Rules 2.2(1) and 2.1(d). However, all initial appearances shall be conducted within forty-eight (48) hours of arrest.

Weekend and holiday jail court shall operate in accordance with the Memorandum and Protocols attached as Exhibit "A".

So ordered this 15 day of December, 2009.


ARTHUR E. GAMBLE, CHIEF JUDGE
Fifth Judicial District of Iowa

Copies to:

Marsha Ternus, Chief Justice
Michael Streit, Liaison Justice
David Boyd, State Court Administrator
Ken Bosier, IT Director
Elizabeth Baldwin, District Court Administrator
All Fifth Judicial District Judges
All Fifth Judicial District Magistrates
All Fifth Judicial District Clerks of the District Court and staff
Marilyn Lantz, Chief Juvenile Court Officer
All Fifth Judicial District Asst. DCA's, Case Coordinators, Court Attendants and Judicial Assistants
All Fifth Judicial District Court Reporters
All Fifth Judicial District Juvenile Court Services Staff
All Fifth Judicial District County Sheriffs
All Fifth Judicial District County Attorneys
Major Donna Brooks
Polk County Youth Services
All Fifth District Boards of Supervisors
Polk County Bar Association
All Fifth Judicial District Mental Health Advocates
Wendy Rickman, DHS, Des Moines Area SAM
Tomas Rodriquez, State Public Defender
Valerie Wilson, Polk County Public Defender
Kathy Miller, Polk County Juvenile Public Defender
Mike Sorci, Youth Law Center

Exhibit "A"

PROTOCOL #1 will be followed if the weekend is:

Scenario #1: * Jail Court will be held for 4 hours on Saturday if it is "Normal Weekend". A normal weekend is when the courts are open for business on Fridays and Mondays.

OR,

Scenario #2 : * Jail Court will be held for 4 hours on Sunday if the court is opened for business on Friday, but is closed on Monday due to a holiday.

All three scenarios above will require that the courts and clerks division work together as a team to produce efficient and effective results. These scenarios will require the clerks to bundle and prepare the cases similar to the way the currently handle weekend jail court.

PROTOCOL #2 will be followed if the weekend is:

Scenario #1: * Jail Court will be held both Saturday and Sunday for 4 hours each day if the courts are closed on Friday furlough day and on Monday Holiday.

OR,

Scenario #2: * Jail Court will be held both Saturday and Sunday for 4 hours each day if the courts are closed on Thursday due to a furlough and closed on Friday due to a holiday .

Both scenarios listed under Protocol #2 require the court to conduct initial appearances only and fax that paperwork and any NC Orders. All other related cases will be bundled together at a later date.

Unless otherwise addressed above, Jail Court will not be held on holidays that fall during the middle of the work week. Jail court will resume the following business day –only initial appearances will be held in the morning and probation violations for Joe Quinn and felony arraignments in the afternoon.

EXHIBIT A

Weekend Jail Court Protocol #1:

Saturday Court Only: (Normal Weekend) or (Furlough Friday with court still held on Monday.)

Sunday Court Only: (Court on Friday, but court closed on a Holiday Monday)

The Clerks will bundle cases

While the clerks bundle, Judge will begin court at 8:00a.m.

The court attendant will leave the list of defendants that need to be seen for the jail staff on the "Wilson" Ledge in the courtroom. Do not fax list to booking.

Inmates will be seen as follows: Females, males and interpreter/special population inmates.

Before the clerks leave at 10:15, they will notify court attendant that they are leaving and provide the court attendant with remaining paperwork that needs to be faxed and copied .
Court Attendant Leaves at 11:00

Judge will continue to see remaining defendants. Judge will copy and fax remaining paperwork only to the jail. If there are no-contact orders that still need to be faxed, - the judge will fax them to PCS, and DMPD.

On the following first business day, the Court will only handle initial appearances, probation violations for Joe Quinn, felony arraignments. The clerk's office will process new paperwork and send the unfinished paperwork to the Clerk's criminal division at the Courthouse.

All other cases normally held in jail court on Mondays (or next business day following a holiday) will need to be scheduled on a different date through the jail case coordinator, however if it is a hearing that needs to be heard sooner rather than later, the hearing will then be scheduled at the court house (either to courtroom 204, 207, 211, 202A, 109). The court attendant assigned to that courtroom will handle the scheduling of the case.

Weekend Jail Court Protocol #2:

Court on Saturday and Sunday: (Furlough Friday and A Holiday Monday) or Furlough Thursday and Holiday Friday/ Christmas/New Year Holiday weekends

Court will handle only "in-custody" Initial Appearances only starting at 8:00a.m.

The court attendant will leave the list of defendants that need to be seen for the jail staff on the "Wilson" Ledger in the courtroom. Do not fax list to booking.

Inmates will be seen as follows: Females, males and interpreter/special population inmates.

Before the clerks leave at 10:15, they will notify court attendant that they are leaving and provide the court attendant with remaining paperwork that needs to be faxed and copied .
Court Attendant Leaves at 11:00

Judge will continue to see remaining defendants. Judge will copy and fax remaining paperwork only to the jail. If there are no-contact orders that still need to be faxed, - the judge will fax them to PCS, and DMPD.

All other cases normally held in jail court on Mondays (or next business day following a holiday) will need to be scheduled on a different date through the jail case coordinator. However, if it is a hearing that needs to be heard sooner rather than later, the hearing will then be scheduled at the court house (either to courtroom 204, 207, 211, 202A, 109). The court attendant assigned to that courtroom will handle the case.